

(16)



Department of State

TELEGRAM

398

LIMITED OFFICIAL USE: 355

PAGE: 01 USUN: NI 00495 200102Z

82

ACTION: IO-15

INFO: OCT-01 EUR-20 SY-03 USSS-00 FBI-01 JUS-02 CIAE-00

INR-08 NSAE-00 RSC-01 CRRS-01 SS-20 NSC-10 L-04 PRS-01

/087 W

P: R200012Z FEB 71
FM: USMISSION: USUN: NY
TO: SECSTATE WASHDC: PRIORITY: 4961
INFO: AMEMBASSY MOSCOW

LIMITED OFFICIAL USE: USUN: 495

SUBJ: JDL-SOVIET MISSION: CASE OF DECEMBER 30, 1969

REF: USUN: 453 - POL 23-8 US

003891	
DEPARTMENT OF STATE A/CDC/MR	
REVIEWED BY: <u>MDC/MA</u>	DATE: <u>3.13.81</u>
RDS ☐ or XDS ☐ EXT. DATE	
TS AUTH. REASON(S)	
ENDORSE EXISTING MARKINGS ☐	
DECLASSIFIED ☐ RELEASABLE ☒	
PA or FOI EXEMPTIONS	

1. TRIAL OF RABBI KAHANE CONTINUED IN NY CRIMINAL COURT AT 2:00 PM ON FEB 19. PATROLMAN BEAMER OF TPF CONTINUED HIS TESTIMONY CONCERNING EVIDENCE LEADING TO ARREST OF RABBI KAHANE ON DEC 30, 1969. WHEN PATROLMAN BEAMER FINISHED HIS TESTIMONY, DA HAYNES RESTED CASE ON BEHALF OF PEOPLE.

2. AFTER JURY WAS DISMISSED UNTIL FEB 22, ATTORNEY EDELBAUM PUT FORWARD MOTION REQUESTING DISMISSAL OF CASE ON VARIOUS GROUNDS INCLUDING THE FOLLOWING:

A. NO CASE HAS BEEN MADE BY PEOPLE. CONDUCT OF POLICE DURING INCIDENT INFLEXIBLE, UNREASONABLE AND UNLAWFUL. NO ATTEMPT MADE BY POLICE TO COMMUNICATE WITH LEADERS OF JDL AT TIME OF DEMONSTRATION. VIOLATION OF FIRST AMENDMENT COMMITTED.

3. ATTORNEY EDELBAUM THEN CITED VARIOUS COURT DECISIONS HE FELT WERE PERTINENT TO CASE. THESE WERE:

A. CASE OF PEOPLE VERSUS SOLOMONOW

LIMITED OFFICIAL USE

USUN 495
2-20-71



Department of State

TELEGRAM

LIMITED OFFICIAL USE

PAGE 02. USUNI NI 00495 200102Z

B. CASE IN WHICH JUDGE FIGUEROA SAID POLICE HAD NO RIGHT TO PREVENT PEOPLE FROM DEMONSTRATING AND DISMISSED CASE.

C. SUPREME COURT DECISION OF BASLER VERSUS STATE OF MARYLAND (APRIL 1970)

D. SHUTTLESWORTH VERSUS BRUMINGHAM.

E. GREGORY VERSUS CITY OF CHICAGO.

IN HIS MOTION, ATTORNEY EDELBAUM STATED THAT SUPREME COURT OF US HAD PLACED GREAT STOCK IN FIRST AMENDMENT TO US CONSTITUTION. IN HIS VIEW, POLICE EXCEEDED THEIR AUTHORITY BY SEALING OFF BLOCK AND "PUTTING JEWS IN QUARANTINE."

4. JUDGE IRVING LANG DENIED MOTION. HE STATED CASE WOULD RESUME ON MORNING FEB 22 AT WHICH TIME DEFENSE COULD PRESENT ITS WITNESSES.
YOST

LIMITED OFFICIAL USE